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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,550	11/13/2001	Geeta Saxena	SMAR-017CIP	1457

24353 7590 11/20/2002

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EXAMINER

HUI, SAN MING R

ART UNIT	PAPER NUMBER
1617	9

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

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9

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Commissioner of Patents and Trademarks

The reply filed on September 3, 2002 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): No election was made in regard to the specie election requirement. Applicant is required under 35 U.S.C. 121 to elect a single disclosed combination of a) one disclosed active compound and b) a single disclosed disorder, even though this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention. See page 3-5 of the office action mailed July 30, 2002. The response filed on September 3, 2002 did not elect a single disclosed disorder. Please note that multiple sclerosis is not recited in the claims herein. The response is therefore considered non-responsive. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).


SREENI PADMANABHAN
PRIMARY EXAMINER

11/18/02